

1 STATE OF NEW YORK : COUNTY OF ROCKLAND
2 TOWN OF STONY POINT : PLANNING BOARD

3 - - - - - X

IN THE MATTER

4 OF

BA MAR MANUFACTURED HOME PARK

5 - - - - - X

Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
July 23, 2020
7:24 p.m.
(via Zoom)

9

10 BEFORE:

11

THOMAS GUBITOSA, CHAIRMAN

12

KERRI ALESSI, BOARD MEMBER

ERIC JASLOW, BOARD MEMBER

13

MARK JOHNSON, BOARD MEMBER

EUGENE KRAESE, BOARD MEMBER

14

JERRY ROGERS, BOARD MEMBER

15

16

17

ROCKLAND & ORANGE REPORTING

2 Congers Road

18

New City, New York 10956

(845) 634-4200

19

20

21

22

23

24

25

1 Proceedings

2

3 CHAIRMAN GUBITOSA: Next item on the
4 agenda application, this is the Ba Mar
5 Manufactured Home Park. So, yeah. All
6 right. Who's, who's going to speak on that
7 one so I can see a hand or something?

8 MR. HONAN: Well, it's not a public
9 hearing. It's closed.

10 CHAIRMAN GUBITOSA: Yeah, I meant for
11 the applicant. I'm trying to figure out
12 who's going to --

13 MR. HONAN: Either Ira or Ken, I guess.

14 MR. EMANUEL: I'm here, Mr. Chairman.
15 It's Ira Emanuel.

16 CHAIRMAN GUBITOSA: Oh, there's Ira.
17 All right, Ira.

18 MR. EMANUEL: Mr. Chairman, the public
19 hearing was closed at the last meeting
20 subject to the acceptance of limited written
21 comments. And we're here just looking for
22 your decision.

23 CHAIRMAN GUBITOSA: All right. And
24 just, if I can make one quick comment, the
25 public hearing, all of our public hearings

1 Proceedings

2 are on site plan review. And I know we've
3 had this public hearing open since last June.
4 And most of our comments were based on
5 landlord, the landlord and tenants. And
6 that's not within our purview. It's not a
7 land use issue.

8 Even though we let people talk and hear
9 it, it's not something that this Board can
10 decide. We can't use it in our decision. We
11 can't make comments about it. It's outside
12 our purview. But we gave the residents
13 enough time to address their concerns so the
14 applicant could, you know, address them and
15 talk to them. But other than that, most
16 of -- our public hearing's on the site plan.
17 So I just wanted to confirm that.

18 All right. So we, for Ba Mar, before we
19 go through anything, John, any comments? Any
20 updates you want for, on the Ba Mar?

21 MR. O'ROURKE: No. We had a couple
22 outstanding comments that they've addressed.

23 CHAIRMAN GUBITOSA: All right.

24 MR. O'ROURKE: So engineering-wise, we
25 have no additional comments.

1 Proceedings

2 CHAIRMAN GUBITOSA: All right. Where am
3 I. Max, any comments?

4 MR. STACH: My only remaining comment
5 was, again, regarding the signage. I think
6 we discussed it last, last meeting.

7 CHAIRMAN GUBITOSA: Correct.

8 MR. STACH: The applicant has proposed
9 something. I'm not necessarily happy with
10 what they're proposing. I did email them
11 back regarding that. I don't know if they've
12 changed that proposal.

13 But as I understand it, they are
14 proposing a sign well into the site stating
15 that, I think the words are roads are covered
16 with water during extreme storms. Which is a
17 fairly generic, you know, I think you could
18 say that of any road. You know, when it
19 rains, they're covered with water.

20 But that's not really standard. So I
21 was suggesting something that serves the
22 purpose I was looking for, which was
23 essentially to express to the public that
24 this is an area that in the hundred year
25 storm, parts of it will be underwater.

1 Proceedings

2 So I had emailed, actually, a couple of
3 items to Mr. DeGennaro. I don't know if he
4 feels any of them are sufficient for his
5 client, or if Ira felt that way. I'd be
6 happy to share them with the Board tonight.
7 It's up to you. Or if you feel like this
8 issue is not relevant or not important, you
9 know, I'd be happy to move on.

10 CHAIRMAN GUBITOSA: All right. Ira and
11 Ken, did you look at Max's suggestions?

12 MR. EMANUEL: Mr. Chairman, Ira Emanuel.
13 We did look at it. We discussed it
14 internally. We compared it against notes
15 that we've taken, against previous
16 discussions with respect to this. And we
17 believe that the signage that's been proposed
18 on the plan is sufficient.

19 Let's understand that this is, these are
20 private roads. And there's one segment where
21 we have a possibility of flooding based upon
22 the revised base flood elevations, and based
23 upon the elevation of the roadway system that
24 we are proposing.

25 CHAIRMAN GUBITOSA: All right.

1 Proceedings

2 MR. STACH: I disagree with that,
3 Mr. Emanuel.

4 MR. EMANUEL: I understand you disagree
5 with that, Max.

6 MR. STACH: No, I'd say factually, the
7 idea that there's one segment that floods.
8 This road, during the hundred year storm, by
9 your own measurements, will flood to a depth
10 of a foot, which will allow for emergency
11 vehicles to get through except for the area
12 around the boat launch and around, I believe
13 it's Unit 59, where it will flood a little
14 bit more. Up to four feet at the Unit 59 and
15 up to six feet at the boat launch. But the
16 entirety of Ba Mar Drive will be underwater
17 during the hundred year storm by your own
18 mapping.

19 MR. EMANUEL: I'll defer to Ken on that
20 one. But in any event, the signage we think
21 is sufficient. We're talking about a
22 situation where it would occur with respect
23 to the hundred year flood, if at all. And
24 Ken, if you want to jump in, please.

25 MR. DeGENNARO: With respect to Unit 59,

1 Proceedings

2 we did elevate the road additionally in our
3 last submission. So that is, you know, at
4 the foot or less of flooding compared to the
5 hundred year flood event.

6 And we should also note that the hundred
7 year flood event that was adopted by the Town
8 of Stony Point for this site, it's actually
9 higher in elevation than the observed
10 flooding from Hurricane Sandy. So if you
11 compare it to Hurricane Sandy, the road is
12 pretty much going to be at or above the known
13 high water marks, with the one exception of
14 Ba Mar Drive at the intersection with the
15 boat ramp.

16 CHAIRMAN GUBITOSA: All right. Any
17 comments from the Board? I mean, Ken and
18 Ira, just let me -- if, say, in the future,
19 if we needed to change the signs, there
20 wouldn't be a problem, would there? If you
21 had to change one of the --

22 MR. EMANUEL: If it became apparent that
23 we needed to provide additional safety
24 measures, I'm sure that the applicant would
25 cooperate, just as --

1 Proceedings

2 CHAIRMAN GUBITOSA: Okay.

3 MR. EMANUEL: -- cooperated the entire
4 way through.

5 CHAIRMAN GUBITOSA: All right. Yeah. I
6 just wanted to make sure. All right, does
7 any of the Board have any other questions?

8 BOARD MEMBER KRAESE: Tom?

9 CHAIRMAN GUBITOSA: Go ahead. Go ahead,
10 Gene.

11 BOARD MEMBER KRAESE: I have a question.
12 If we're filling in this land, this parcel of
13 property to meet the hundred year flood
14 level, why are we going to be below it, as
15 just proposed? I thought, I thought the
16 applicant was supposed to meet the hundred
17 year flood plan.

18 MR. DeGENNARO: We meet that requirement
19 with respect to setting the building height
20 elevations. All the new buildings are
21 two feet above the hundred year flood. The
22 codes don't necessarily discuss how to
23 elevate your roads. It's not required to
24 have all the roads be outside of the hundred
25 year flood plain. That's something we

1 Proceedings

2 discussed at the beginning of the job before
3 it came to the Planning Board with John and
4 Tom to see what criteria they needed,
5 especially Tom, with respect to providing the
6 emergency access for the emergency access
7 vehicles.

8 BOARD MEMBER KRAESE: All right. I
9 understand what you're saying. So let me ask
10 you, Bill and John, are you satisfied that,
11 God forbid, there's such a storm of that
12 magnitude that the less than 12 inches of
13 water would be acceptable for the applicant,
14 for the residents to exit their property?

15 MR. O'ROURKE: Well, you asked both of
16 us. So neither one of us answered. Yeah, we
17 have no issue. I've reviewed this again,
18 over the last year again with Tommy. With
19 the elevated elevation that the Town adopted,
20 there's just a hair under one foot in the
21 portion of the road as discussed. Vehicles
22 can get through that. So we have no
23 objection. And again, there's nothing
24 specifically in the code, as Ken referenced,
25 concerning roads. So, we're satisfied.

1 Proceedings

2 BOARD MEMBER KRAESE: Okay. It was just
3 a safety concern on my part, that's all.

4 MR. O'ROURKE: Oh, most definitely.
5 That's why we've been looking at this for the
6 last, you know, several months.

7 MR. SHEEHAN: Yeah. If you remember
8 from the beginning, you know, basically, most
9 of the roads are, except by the boat launch,
10 is at Elevation 9. The FEMA elevation, the
11 base flood elevation is 7. So the roads are
12 two feet above the FEMA's base elevation.
13 They're one foot below the Town's adopted
14 elevation of 10.

15 So knowing that they're going to be one
16 foot below the Town's local law, John and
17 Tommy, from the beginning, they actually
18 measured every, every emergency vehicle, what
19 draw they needed, their exhaust pipes, and
20 everything to that end. And also basing
21 their engineering on future trucks and so
22 forth.

23 They were very well satisfied that if it
24 ever did flood to Elevation 10, that the
25 emergency vehicles would have no issue

1 Proceedings

2 maneuvering the property. That's one of the
3 reasons why that back road, that loop road
4 was obviously put in for a couple reasons.
5 One, for units. But also where the emergency
6 vehicles, if they had to, could go to that
7 back road and be -- they wouldn't have to
8 deal with the boat launch area.

9 So, you know, we did as best as we could
10 with what we were working with. Don't
11 forget, we are working with an existing
12 mobile home park. You know, in a perfect
13 world, if it was a brand new application, you
14 know, obviously it would be somewhat
15 different.

16 BOARD MEMBER KRAESE: Okay. I just
17 wanted -- thank you for explaining that to me
18 and the rest of the Board. And that was my
19 concerns. And you're right, this is not a
20 new application. This is, to me, a
21 reconfiguration and improvement of an
22 existing or previously existing development.

23 CHAIRMAN GUBITOSA: Right.

24 BOARD MEMBER KRAESE: So I understand.
25 Thank you. A lot of this stuff I say

1 Proceedings

2 personally is just put on the, is made
3 comments to put on the record. Compared to
4 what we do at TAC meetings. I like to cover
5 the Board and prepare us. Thank you.

6 CHAIRMAN GUBITOSA: Thank you, Gene.
7 Ira, just to update everyone, what did we go
8 from, how many units to what we're currently?
9 I know that we decreased, right?

10 MR. EMANUEL: We decreased
11 significantly. There were, I believe 151 or
12 152 units in the old Ba Mar. And we are down
13 to either 137 or 138 units now.

14 MR. DeGENNARO: I believe it was 151
15 down to 138.

16 CHAIRMAN GUBITOSA: 138. Yeah, I
17 figured it was down. Okay, good. And the
18 one big improvement I see is the road design,
19 the way it flows, compared to what it used to
20 be.

21 MR. EMANUEL: Oh, absolutely. That was,
22 as we've said before the Board many times,
23 the first thing we did before we even made an
24 application was to sit down with Bill and
25 Tommy to say how do we make this thing safer?

1 Proceedings

2 How do we make it so that if there is a
3 flood, we can get people in and out? And
4 that is how this road network developed.

5 We got rid of what was effectively a hub
6 and spoke, and replaced it with a series of
7 loops. All of the roadways, as you heard
8 just before, are elevated to make sure that
9 we can accommodate the emergency vehicles.

10 You heard Bill talk about how we went so far
11 as have the emergency vehicles measured to
12 make sure that we had sufficient clearance.
13 So that's one set of major improvements.

14 The other set of major improvements is
15 that we got everything out of the wetlands.
16 We had units that were right on top of the
17 wetlands, and we've moved everything much,
18 much further away from the wetlands. There's
19 nothing adjacent to the wetlands anymore.

20 There are a few units that, you know,
21 stick a little bit into the hundred foot
22 adjacent area. We were able to satisfy DEC
23 with respect to that. They're issuing a
24 permit. So that's the other major
25 improvement to the site.

1 Proceedings

2 CHAIRMAN GUBITOSA: All right. Good.

3 Good, Ira, thank you. And I know tonight
4 we're looking for, like, the site plan
5 approval. And like you said, that's what
6 we've been looking at, is the site plan. And
7 I did see O and R, they're ready to -- I
8 guess they have, they're okay with
9 everything, but because of the Covid, they
10 can't get anyone in the office, or they can't
11 get anyone over to see, to do different
12 things. But they have -- I saw the emails
13 that as soon as things are back up, they'll
14 sign off.

15 MR. EMANUEL: That's, that's correct.

16 And in addition, we agreed to put a note on
17 the plan that there will be no placement of
18 homes within the O and R easement until such
19 time as they give us express written
20 approval.

21 CHAIRMAN GUBITOSA: All right. All
22 right, good. Bill, you're okay with that,
23 right?

24 MR. SHEEHAN: Yeah. As you remember, as
25 Ira just pointed out, last TAC meeting, we

1 Proceedings

2 came up with that language to make sure that
3 no building permits will be issued for any of
4 those units until a written easement
5 agreement, a written agreement is approved by
6 O and R.

7 CHAIRMAN GUBITOSA: All right, good.
8 All right. Does the Board have any other
9 comments? All right. If not, I think,
10 Steve, we'll do a resolution for site plan
11 approval?

12 MR. HONAN: Okay. I did prepare a final
13 site plan approval for the Board's
14 consideration, which has been circulated to
15 all Members of the Board. And what I'd like
16 to do is have -- I think also a copy was
17 given to Jennifer Johnson, our stenographer.
18 And what I'd like to do is have that
19 resolution just marked as an exhibit as part
20 of the record. And rather than read all 17
21 pages of it right now, I'd like to summarize
22 it, essentially, just to give the
23 introduction, identify the documents and
24 things that the Board considered without
25 reading the contents of them. And then skip

1 Proceedings

2 down into the final portion of the
3 resolution, which I will read. And --

4 MR. BURSZTEIN: Mr. Honan?

5 MR. HONAN: Yes.

6 MR. BURSZTEIN: This is Alex Bursztein.

7 CHAIRMAN GUBITOSA: Wait, hold on.

8 MR. HONAN: Sorry, Alex. Please mute
9 yourself.

10 CHAIRMAN GUBITOSA: It's not a public
11 hearing.

12 MR. BURSZTEIN: But there are procedural
13 issues that we'd like to address.

14 CHAIRMAN GUBITOSA: I'm sorry, it's not
15 a public hearing. There's no procedural
16 errors. We had the public hearings open
17 since June. Everything's -- we checked with
18 our attorney. So, you know, if you could
19 please put yourself on mute. It's not a
20 public hearing.

21 MR. HONAN: And as I was saying, what
22 I'll do is I will read that. And then since
23 the Board Members can read along with me as
24 I'm doing it, at the end, I will then read
25 the final portion, as well as the conditions.

1 Proceedings

2 And I just note that the Board also will be
3 asked to override Item Number 19 from the
4 Rockland County Planning Department letter.
5 And so that, I will read that portion of the
6 letter, and also Mr. Emanuel's response to
7 that particular comment by the Planning
8 Department.

9 CHAIRMAN GUBITOSA: All right.

10 MR. HONAN: And then after that, then
11 you can vote on that. There's also a second
12 resolution with respect to this application.
13 And that's with respect to a determination of
14 consistency of the proposed action that's
15 this redevelopment, consistency with the
16 local waterfront revitalization program, the
17 LWRP that we've heard about. So that's a
18 very short one. I'm just going to read that
19 one. It's maybe two pages, tops.

20 MR. SHEEHAN: Mr. Chairman, may I
21 interject for a second.

22 CHAIRMAN GUBITOSA: Go ahead, Bill.

23 MR. SHEEHAN: I think the consistency
24 should be adopted prior to reading the
25 resolution.

1 Proceedings

2 MR. HONAN: That's fine, too.

3 MR. SHEEHAN: You know, you know what
4 I'm saying.

5 MR. HONAN: Yeah, I understand. You
6 want to do that one first, and then take,
7 based upon that contingency, adopt the site
8 plan.

9 MR. SHEEHAN: That's correct.

10 MR. HONAN: That's, that's logical. And
11 I can do it that way, also.

12 MR. SHEEHAN: All right, thank you.

13 MR. HONAN: So I'll read, then, the
14 resolution for the LWRP, that relatively
15 quick. And then we'll take the vote from the
16 Board. And then we'll move on to the site
17 plan. Is that acceptable, Mr. Chairman?

18 CHAIRMAN GUBITOSA: Yes, it is. Thank
19 you, Steve.

20 MR. HONAN: Okay.

21 CHAIRMAN GUBITOSA: Thanks, Bill.

22 MR. HONAN: Okay. This is a resolution
23 of determination of consistency of proposed
24 action with the local waterfront
25 revitalization program, also known as the

1 Proceedings

2 LWRP of the Town of Stony Point for the
3 project Ba Mar Manufactured Home Park, by
4 application of RHP Properties, Inc., of 31200
5 Northwestern Highway, Farmington Hills,
6 Michigan, 48334, by its authorized agent,
7 Mr. Joel Brown.

8 Whereas, the applicant has requested a
9 determination by the Town's waterfront
10 advisory committee that the proposed action
11 is consistent with the Town's Local
12 Waterfront Revitalization Program, the LWRP,
13 policy standards and conditions, as set forth
14 in Town Code Section 209-5, Subparagraph G,
15 hereinafter, the subject application; and

16 Whereas, simultaneous with this
17 application for a determination, this Board
18 has been reviewing a site plan application
19 for this site and the specifics of the
20 proposed action is more fully set forth in
21 said application, dated December 21, 2018,
22 with a narrative summary dated December 18,
23 2018, having previously been submitted to the
24 Planning Board of the Town of Stony Point for
25 final site plan approval to reconstruct and

1 Proceedings

2 redevelop an existing 152 dwelling
3 manufactured home park with a new 138
4 dwelling, more or less, manufactured home
5 park and for various site improvements, and
6 upon a submitted site plan for the project
7 entitled Ba Mar consisting of 34 sheets
8 prepared by Brooker Engineering, PLLC, dated
9 December 21, 2018, and last revised on
10 July 10, 2020; and concerning premises
11 designated as Section 20.02, Block 11,
12 Lot 7.1 on the Tax Map of the Town of Stony
13 Point, County of Rockland, consisting of
14 approximately 22.8 acres, located in an MHC
15 Zoning District, with an address of 400
16 Ba Mar Drive and located on the south side of
17 Grassy Point Road, 800 feet east of Nelly
18 Drive, Stony Point, New York, 10980,
19 hereinafter, the subject premises; and

20 Whereas, pursuant to the New York State
21 Department of State Coastal Management
22 Program, a Coastal Assessment Form, CAF,
23 dated February 13, 2020, has been submitted
24 by the applicant's project engineer, Kenneth
25 DeGennaro, P.E.; and

1 Proceedings

2 Whereas, the subject application and CAF
3 describes the proposed action to take place
4 upon the subject premises and is sufficient
5 to permit review of an application for
6 action, consistent with the provisions,
7 policy and purpose of Chapter 209 of the Town
8 Code, known as the Town of Stony Point
9 Waterfront Consistency Law; and

10 Whereas, upon this Board's consideration
11 of this matter, it is noted that the Town's
12 LWRP does not make specific recommendations
13 with regard to the project site, but the LWRP
14 does suggest that existing mobile home parks
15 could be appropriate to coastal lands
16 provided they are not located in area of high
17 velocity waters or storm wave wash; and it is
18 noted that this project is for the
19 redevelopment of an existing mobile home park
20 which was decimated by the effects of
21 Super-Storm Sandy some years ago and that the
22 present application seeks the redevelopment
23 of the park at a less intensive and more
24 resilient fashion, which is generally
25 consistent with the State's costal zone

1 Proceedings

2 policies and the policies of the LWRP; and

3 Whereas, the project engineer submitted
4 a revised base flood elevation set forth on
5 flood hazard maps, dated March 27, 2018,
6 which were reviewed and verified by the Town
7 Engineer and adopted by the Stony Point Town
8 Board on August 14, 2018, and based on these
9 maps no mobile homes are proposed in areas of
10 high velocity waters or storm wave wash; and

11 Whereas, the Planning Board, acting in
12 its capacity as the Town's waterfront
13 advisory committee, has determined that the
14 proposed action is located in the Town's
15 coastal area and further that the proposed
16 action is consistent with the Town's Local
17 Waterfront Revitalization Program policy
18 standards and conditions, as set forth in
19 Town Code Section 209-5(G); and

20 Whereas, this matter was an agenda item
21 before this Board on July 23, 2020, at
22 7:00 p.m. and all submissions relative hereto
23 were duly considered which the Planning
24 Board.

25 Now, therefore, be it resolved that the

1 Proceedings

2 application for a determination that the
3 proposed action, relative to the subject
4 premises, is consistent with the Town's Local
5 Waterfront Revitalization Program policy
6 standards and conditions, be and hereby is
7 approved, and the Chairman is hereby
8 authorized to sign same and to permit same to
9 be filed in the office of the Town Clerk,
10 upon payment of any and all outstanding fees
11 to the Town, subject and conditioned upon the
12 following:

13 One, all of the whereas paragraphs are
14 incorporated herein by reference.

15 And the question of the adoption of the
16 forgoing resolution was duly put to a vote
17 this evening.

18 Now, Mr. Chairman, you can make a
19 motion, second it, and move forward.

20 CHAIRMAN GUBITOSA: Sorry, I was on
21 mute.

22 BOARD MEMBER KRAESE: Tom, can I ask a
23 question first?

24 CHAIRMAN GUBITOSA: Yeah.

25 BOARD MEMBER KRAESE: On the beginning

1 Proceedings

2 of there, the redevelopment of existing 152
3 dwelling manufactured home parks with a new
4 138 dwelling, plus or minus; what does that
5 plus or minus mean? Where are we at with
6 this?

7 MR. HONAN: I believe at the time it was
8 drafted, it was unclear whether it was going
9 to be 138 or 137. So rather than redraft it,
10 I believe tonight it was 138.

11 BOARD MEMBER KRAESE: Okay. I just was,
12 just curious they didn't go up to, like, 152
13 again.

14 CHAIRMAN GUBITOSA: No, I think he's
15 right, 138.

16 MR. HONAN: Actually, with respect to
17 the next resolution that's coming for the
18 site plan approval, it's 138 solid.

19 BOARD MEMBER KRAESE: Okay.

20 MR. HONAN: That's the one that's
21 important.

22 CHAIRMAN GUBITOSA: All right, thanks.

23 BOARD MEMBER KRAESE: Everything's
24 important.

25 MR. HONAN: Well, yes.

1 Proceedings

2 CHAIRMAN GUBITOSA: Thanks, Gene.

3 MR. HONAN: With respect to the actual
4 units that can go on it, the site plan is the
5 more important one. This is more a
6 consistency that's, that it's consistent with
7 the law.

8 CHAIRMAN GUBITOSA: All right, thanks.
9 Thanks, Bill, Gene. All right. I have a
10 resolution. I need a motion, I need a motion
11 to accept the, adopt the resolution.

12 BOARD MEMBER JASLOW: I'll make that
13 motion, Tom.

14 CHAIRMAN GUBITOSA: Who was that? That
15 was --

16 BOARD MEMBER JASLOW: Eric.

17 CHAIRMAN GUBITOSA: Eric. Yeah. I have
18 a motion, I need a second.

19 BOARD MEMBER JOHNSON: I'll second.

20 BOARD MEMBER ROGERS: I'll second that.

21 CHAIRMAN GUBITOSA: All right, Jerry
22 seconded. I got motion and a second. I need
23 a -- we'll vote on this resolution. This is
24 for the determination of consistency. We'll
25 go down the line. Jerry?

1 Proceedings

2 BOARD MEMBER ROGERS: Yes.

3 CHAIRMAN GUBITOSA: Eric?

4 BOARD MEMBER JASLOW: Yes.

5 CHAIRMAN GUBITOSA: Mark?

6 BOARD MEMBER JOHNSON: Yes.

7 CHAIRMAN GUBITOSA: Kerri?

8 BOARD MEMBER ALESSI: Yes.

9 CHAIRMAN GUBITOSA: Gene?

10 BOARD MEMBER KRAESE: Yes.

11 CHAIRMAN GUBITOSA: Myself, yes. All

12 right, we have that one. Now, you have the

13 next one you're going to read, right?

14 MR. HONAN: Yes. This is the one, as I
15 explained, is going to be a condensed reading
16 because it is 17 pages. And I'll begin with
17 the beginning, and then I'll skip around.18 And I'll try to keep -- if you're following
19 along, I'll try to indicate what pages I'm
20 skipping to.21 Resolution of final site plan approval
22 for the project Ba Mar Manufactured Home Park
23 by application of RHP Properties, Inc., of
24 31200 Northwestern Highway, Farmington Hills,
25 Michigan, 48334, by its authorized agent,

1 Proceedings

2 Mr. Joel Brown.

3 Whereas, an application dated
4 December 21, 2018, with a narrative summary
5 dated December 18, 2018, has been submitted
6 to the Planning Board of the Town of Stony
7 Point for final site plan approval to
8 reconstruct an existing 152 dwelling
9 manufactured home park with a new 138
10 dwelling manufactured home park and for
11 various site upgrades and improvements, and
12 upon a submitted site plan for the project
13 Ba Mar consisting of 34 sheets, prepared by
14 Brooker Engineering, PLLC, dated December 21,
15 2018, and last revised on July 10, 2020,
16 hereinafter the subject application; and
17 concerning premises designated as Section
18 20.02, Block 11, Lot 7.1 on the Tax Map of
19 the Town of Stony Point, County of Rockland,
20 consisting of approximately 22.8 acres,
21 located in an MHC Zoning District, with an
22 address of 400 Ba Mar Drive, Stony Point,
23 New York, 10980, and located on the south
24 side of Grassy Point Road, 800 feet east of
25 Nelly Drive, Stony Point, New York,

1 Proceedings

2 hereinafter, the subject premises; and

3 Whereas, pursuant to the New York State
4 Environmental Quality Review Act, the
5 Planning Board determined this to be a Type I
6 action and after circulation of a notice of
7 intent assumed lead agency status on or about
8 March 28, 2019, and adopted a Part II EAF and
9 identified areas of potential environmental
10 impact, and upon this Board's review of an
11 amended EAF Part III, issued a negative
12 declaration of environmental significance on
13 September 26, 2019; and

14 Whereas, this Board has considered a
15 letter dated February 24, 2019, from the
16 New York State Department of Environmental
17 Conservation; and

18 Whereas, this Board received and
19 considered a letter dated March 11, 2019,
20 from the Rockland County Center for
21 Environmental Health; and

22 Whereas, this Board received and
23 considered a letter dated March 4, 2019, from
24 the Rockland County Division of Environmental
25 Resources; and

1 Proceedings

2 Whereas, this Board received and
3 considered a letter dated October 24, 2019,
4 from the Rockland County Center for
5 Environmental Health.

6 Skipping to Page 3.

7 Whereas, the Planning Board considered a
8 letter dated October 21, 2019, from the
9 Rockland County Department of Planning which
10 consisted of 24 distinct items, Number 19
11 being a comment which read as follows:

12 Number 19, there must be no units or
13 disturbances within the New York State DEC
14 wetlands or the 100-foot adjacent area;

15 Whereas, this Board considered a letter
16 dated March 6, 2020, from the attorney for
17 the applicant addressed to the Planning Board
18 wherein the attorney addressed each and every
19 item in the Rockland County Department of
20 Planning letter, including Paragraph 19, and
21 the attorney addressed it as follows:

22 19, the New York State DEC regulations
23 do not prohibit units or disturbances within
24 the 100-foot adjacent area and in fact they
25 specifically permit disturbances under

1 Proceedings

2 appropriate circumstances and the applicant
3 has worked with the New York State DEC to
4 achieve an appropriate treatment of the area
5 given the nature of the improvements and the
6 New York State DEC's concerns and to the
7 extent that the New York State DEC has
8 endorsed the disturbances and units within
9 the 100-foot adjacent area, the
10 Rockland County Department of Planning has no
11 right to object and a similar demand was made
12 to the Zoning Board of Appeals and that Board
13 overrode this requirement for the reasons
14 stated in that decision.

15 This Board also considered a memorandum
16 that was dated September 13, 2019, entitled
17 Project Review Sheet by John O'Rourke, P.E.,
18 the Town of Stony Point's engineer.

19 And also, this Board received and
20 considered a letter dated September 16, 2019,
21 from the applicant's engineer, Kenneth
22 DeGennaro, P.E., of Brooker Engineering,
23 PLLC, responding to all of the comments of
24 the Town Engineer John O'Rourke.

25 Skipping now to Page 9.

1 Proceedings

2 Whereas, the Planning Board received and
3 considered a prior memoranda dated
4 February 2, 2019, and May 9, 2019, and also a
5 subsequent four-page memorandum to the
6 Planning Board dated April 8, 2020, from Max
7 Stach, AICP, of Nelson, Pope and Voorhis,
8 LLC, and with respect to that comment letter,
9 this Board also received and considered a
10 letter from the applicant's attorney dated
11 May 4, 2020, wherein he made responses to
12 each and every one of the comments of
13 Mr. Stach and his letter.

14 Skipping now to Page 14.

15 Whereas, this Board referred the
16 applicant to the Architectural Review Board,
17 the ARB of the Town of Stony Point for review
18 of the units' design considerations, the
19 lighting and landscape features and
20 improvements upon submission and plans
21 prepared by Daniel Sherman, Landscape
22 Architect, and the ARB by a decision dated
23 November 20, 2019, issued an approval of the
24 application; and

25 Whereas, this Board referred the

1 Proceedings

2 applicant to the Zoning Board of Appeals of
3 the Town of Stony Point for a number of area
4 variances, and by a decision dated January 2,
5 2020, the ZBA issued a conditional approval
6 of the application; and

7 Whereas, the applicant is seeking
8 permission to conduct regulated activities in
9 the freshwater wetland conservation buffer
10 which is that area 100 feet from the
11 freshwater wetland indicated on the maps, on
12 the plans in the southern portion of the site
13 and said buffer area is designated in Town
14 Code Section 215-72(B)(1), which provision is
15 also known as the freshwater wetlands
16 protection and buffer requirements, and in
17 accordance with Section 215-72(C) disturbance
18 to the wetland conservation buffer shall
19 require approval by resolution of the
20 Planning Board; and

21 Whereas, the applicant has submitted to
22 the Board a letter dated February 24, 2020,
23 prepared by its attorney and project
24 engineer, setting forth and explaining its
25 proposed development and disturbance in the

1 Proceedings

2 regulated areas and regulated adjacent areas
3 and that the disturbances proposed are
4 minimal, that in the course of reconstructing
5 the site many structures and intrusions into
6 the regulated areas were removed or partially
7 abated, that the proposed intrusions into the
8 regulated areas are the minimum necessary to
9 improve the configuration and safety of the
10 site for flood resiliency, site circulation,
11 and improved emergency access; and

12 Whereas, this Board in reviewing this
13 application considered reasonable alternative
14 locations for the proposed structures to be
15 placed other than in the buffer and the
16 necessity of any disturbance activities, and
17 it is noted that presently there are numerous
18 structures, roadways and entire homes
19 situated in the buffer and that the present
20 proposal will substantially reduce nearly all
21 of these encroachments with the exception of
22 only a few structures and that for the
23 structures proposed to be placed in the
24 buffer this Board is satisfied that
25 reasonable alternative locations for the

1 Proceedings

2 proposed structures do not exist on the site
3 or are simply unworkable and that disturbance
4 activities will be minimal and due to
5 restrictions inherent to the site, this Board
6 is satisfied with the feasibility of the plan
7 as proposed; and

8 Whereas, this Board has considered the
9 proposed activities of the applicant relative
10 to the buffer and in compliance with the
11 standards for making determinations of this
12 nature as set forth in the freshwater
13 wetlands protection and buffer requirements
14 of Town Code Section 215-72, it hereby
15 approves the disturbance of the wetland
16 conservation buffer as part of the site plan
17 application approval; and

18 Whereas, this Board has been advised
19 that the applicant has made an application
20 for a floodplain development permit, pursuant
21 to Town Code Section 112-12, for the purpose
22 of conducting the work anticipated by this
23 application and pursuant to Section 112-11,
24 the Building Inspector is designated the
25 local administrator to administer and

1 Proceedings

2 implement Chapter 112 flood damage prevention
3 provisions by granting or denying floodplain
4 development permits in accordance with its
5 provisions; and

6 Whereas, this Board has been advised
7 that the applicant has consulted with Orange
8 and Rockland Utilities, Inc., and this Board
9 has received copies of emails and
10 correspondence with O and R, to determine
11 that whether the work anticipated by this
12 application would unreasonably interfere with
13 O and R's utility easements upon the
14 property, and O and R has indicated that the
15 applicant has addressed most of its concerns
16 and it anticipates that O and R will issue a
17 consent letter in the near future; and

18 Whereas, this Board has received and
19 considered the correspondence, letters and
20 email messages from the citizens in the
21 surrounding community identifying areas of
22 concern to them regarding this proposed
23 application. Members of the public appeared
24 at the public hearings, provided testimony on
25 various topics as well as interposing certain

1 Proceedings

2 objections to the proposed site development
3 plan and voiced objections concerning
4 accommodation and/or relocation of the
5 remaining park residents.

6 Mr. Kevin P. Maher, P.E., as a member of
7 the public noted his concerns generally with
8 the project and specifically regarding the
9 use of fill on the site. Among those
10 testifying were Mr. Martinez, Taryn Dow,
11 Ms. Gizzi, and Marisa Gooler, all residents
12 of the park, and George Potanovic and Susan
13 Filgueras of SPACE, and Jacqui Drechsler of
14 Valley Cottage, New York, all of whom
15 generally gave testimony supporting the
16 remaining residents and they were critical of
17 the applicant's efforts to relocate or
18 accommodate the remaining residents and they
19 were critical of the insufficient financial
20 offers proffered by the applicant.
21 Additional comments were received concerning
22 the density of the proposed park plan and
23 that units were too close together and they
24 were critical that the health and safety of
25 the residents were not adequately considered

1 Proceedings

2 and addressed under the plan.

3 Alexander Bursztein, Esquire,
4 representing tenants Ms. Gizzi, Ms. Grahamn,
5 and Ms. Bunyea, made a written submission on
6 July 2, 2020, outlining the economic
7 hardships facing his clients and urged
8 disapproval of the application. Susan
9 Filgueras of SPACE made a written submission
10 on July 1, 2020, complaining about
11 insufficient notice of the previous meeting
12 of the Planning Board and that her FOIL
13 requests were not being complied with in a
14 timely fashion and that she needed additional
15 documentation.

16 The Board also heard from the president
17 of the applicant, Mr. Joel Brown, who over
18 the course of the review process advised the
19 Board of the progress and status of the
20 negotiations with the remaining park
21 residents and his efforts to reach amicable
22 settlements with the residents. This Board
23 noted that the financial arrangements among
24 the tenants and the applicant were not
25 necessarily planning matters within the

1 Proceedings

2 purview of this Board. However, the Board
3 encouraged the applicant to directly,
4 promptly, and openly address these matters
5 with the current residents and also
6 encouraged all reasonable efforts be made to
7 reach an amicable accommodation and
8 resolution of outstanding issues with
9 existing residents.

10 Whereas, this application was the
11 subject of a public hearing before this Board
12 on July 25, 2019, and kept open and continued
13 to subsequent meetings and hearings and was
14 then continued to June 25, 2020, at
15 7:00 p.m., which meeting was conducted
16 remotely by an electronic interactive format,
17 at which time the public hearing was closed
18 but left open for receipt of written
19 submissions to July 2, 2020, and all
20 submissions relative hereto were duly
21 considered by the Planning Board.

22 Whereas, this matter was an agenda item
23 before this Board on July 23, 2020, at
24 7:00 p.m. and all submissions relative hereto
25 were duly considered by the Planning Board.

1 Proceedings

2 Now, therefore, be it resolved that the
3 subject application for the site plan
4 approval relative to the subject premises is
5 approved, and the Chairman is hereby
6 authorized to sign same and to permit same to
7 be filed in the office of the Town Clerk,
8 upon payment of any and all outstanding fees
9 to the Town, subject and conditioned upon the
10 following:

11 One, all of the whereas paragraphs are
12 incorporated herein by reference.

13 Two, Item Number 19 of the
14 Rockland County Department of Planning
15 letter, dated October 21, 2019, stating there
16 must be no units or disturbances within the
17 New York State DEC wetlands or the 100-foot
18 adjacent area, is hereby overridden because
19 the New York State DEC regulations do not
20 prohibit units or disturbances within the
21 100-foot adjacent area and in fact they
22 specifically permit disturbances under
23 appropriate circumstances. Here the
24 applicant has worked with the New York State
25 DEC to achieve an appropriate treatment of

1 Proceedings

2 the area given the nature of the improvements
3 and the New York State DEC's concerns and to
4 the extent that the New York State DEC has
5 now endorsed the disturbances and units
6 within the 100-foot adjacent area the office
7 of the Rockland County Department of
8 Planning, respectfully, no longer has a
9 legitimate basis to object.

10 Comment Number Three, the applicant will
11 accept and comply with the clearance
12 assessment and other requirements to be
13 imposed by Orange and Rockland Utilities
14 after O and R performs its clearance
15 assessment with respect to the utility
16 easements over and upon the subject premises.

17 And Number Four, this resolution shall
18 constitute and operate as the Planning
19 Board's approval of disturbance to the
20 freshwater wetland conservation buffer
21 consistent with approval of the site plan and
22 in accordance with the provision of Town Code
23 Section 215-72.

24 And that concludes the reading of the
25 proposed resolution, Mr. Chairman, in an

1 Proceedings

2 abbreviated format. You have to unmute
3 yourself, Tom.

4 CHAIRMAN GUBITOSA: Sorry. I have a
5 resolution for final site plan approval. Any
6 comments before I ask for a motion to accept?
7 All right. I need a motion to accept the
8 resolution of the final site plan. Who wants
9 to make that motion?

10 BOARD MEMBER ROGERS: I'll make that
11 motion, Mr. Chairman.

12 CHAIRMAN GUBITOSA: Jerry made the
13 motion. I need a second.

14 BOARD MEMBER ALESSI: I'll second.

15 CHAIRMAN GUBITOSA: Kerri, second. Any
16 discussion? All right. I have a motion and
17 a second to accept the resolution of final
18 site plan. I'll poll the Board. Jerry?

19 BOARD MEMBER ROGERS: Yes.

20 CHAIRMAN GUBITOSA: Eric?

21 BOARD MEMBER JASLOW: Yes.

22 CHAIRMAN GUBITOSA: Mark?

23 BOARD MEMBER JOHNSON: Yes.

24 CHAIRMAN GUBITOSA: Gene?

25 BOARD MEMBER KRAESE: Yes.

1 Proceedings

2 CHAIRMAN GUBITOSA: And I think, and
3 myself -- Kerri?

4 BOARD MEMBER ALESSI: Yes.

5 CHAIRMAN GUBITOSA: And myself, yes. So
6 we'll pass the resolution for the final site
7 plan approval.

8 MR. EMANUEL: Mr. Chairman, thank you.
9 Members of the Board, thank you very, very
10 much. It's been a long road.

11 CHAIRMAN GUBITOSA: Thank you.

12 MR. EMANUEL: We appreciate your
13 efforts, and we look forward to being able to
14 provide 138 units of affordable housing for
15 the town of Stony Point.

16 CHAIRMAN GUBITOSA: Thank you,
17 Mr. Emanuel. Thank you, Mr. DeGennaro.

18 MR. HONAN: Thank you.

19 (Time noted: 8:07 p.m.)

20

21 oOo

22

23

24

25

Proceedings

E X H I B I T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Description
Resolution

Page
15

Proceedings

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE FOREGOING IS CERTIFIED to be a true
and correct transcription of the original
stenographic minutes to the best of my ability.

Jennifer L. Johnson